93-176

Supreme Court, U.S.
FILED
JUL 30 1993
OFFICE OF THE CLERK

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1993

In re: ALAN J. WHITE, Petitioner

PETITION FOR A WRIT OF MANDAMUS AND/OR A WRIT OF PROHIBITION TO THE JUSTICES OF THE SUPREME COURT OF PENNSYLVANIA

ALAN J. WHITE, pro se

260 Club Ridge Drive
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51 pp

QUESTIONS FOR REVIEW

1. WHEN THE HIGHEST COURT OF A STATE PROVIDES BY RULE THAT "EVERY ATTORNEY ADMITTED TO PRACTICE" IN THE STATE "SHALL PAY AN ANNUAL FEE . . . TO DEFRAY THE COSTS OF DISCIPLINARY ADMINISTRATION AND ENFORCEMENT", AND THE COURT PROVIDES IMMEDIATELY THEREAFTER THAT "JUSTICES AND JUDGES SHALL BE EXEMPT FOR SUCH TIME AS THEY SERVE IN OFFICE", IS AN ATTORNEY ADMITTED TO PRACTICE IN THE STATE WHO IS AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO 5 USC § 3105 ENTITLED UNDER THE LATTER PROVISION TO THE PRIVILEGES AND IMMUNITIES THAT ARE ENJOYED BY THE JUSTICES OF THE HIGHEST COURT OF THE STATE?

2. WHEN THE HIGHEST COURT OF A STATE PROVIDES BY RULE THAT ATTORNEYS REQUIRED TO PAY AN ANNUAL FEE SHALL ALSO FILE AN INFORMATION STATEMENT, AND THE COURT ALSO PROVIDES BY RULE THAT FAILURE TO COMPY WITH THE INFORMATION STATEMENT REQUIREMENT "WILL BE DEEMED A REQUEST FOR TRANSFER TO INACTIVE STATUS", WHICH TRANSFER WOULD EFFECTIVELY SUSPEND THE ATTORNEY FROM PRACTICE, AND WHEN THE ATTORNEY CLAIMS EXEMPTION FROM PAYMENT OF THE FEE AND CONSEQUENTLY FROM FILING THE INFORMATION STATEMENT, IS THE ATTORNEY DENIED DUE PROCESS WHEN THE COURT TRANSFERS HIM TO INACTIVE STATUS WITHOUT GIVING A REASONED DECISION WHY PAYMENT OF THE FEE WAS REQUIRED?

PARTIES

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(215)

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REPORTS

The Orders sought to be reviewed are not reported.

GROUNDS FOR JURISDICTION

Review is sought of two Orders of the Supreme Court of Pennsylvania entered May 7 and June 21, 1993, respectively. Rehearing was not sought. An extraordinary writ authorized by 28 U.S.C. § 1651(a) is sought herein.

GOVERNING PROVISIONS

Article IV, Section 2, of the Constitution provides in part:

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Amendment XIV to the Constitution provides in Section 1:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law. . . .

Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement provides in part:

> (a) Every attorney admitted to practice in any court of this Commonwealth shall pay an annual fee of $105.00 under this rule. The annual fee shall be collected under the supervision of the Administrative Office, which shall send and receive, or cause to be sent and received, the notices and statement provided for in this rule. The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine.

(b) Justices and Judges shall be exempt for such time as they serve in office.

* * *

(d)(1) On or before July 1 of each year all persons required by this rule to pay an annual fee shall file with the Administrative Office a signed statement on the form prescribed by the Administrative Office. . . .

* * *

(f) The Administrative Office shall transmit by certified mail, return receipt requested, to every attorney who fails to timely file the statement and pay the annual fee required by this rule, addressed to the last known address of the attorney, a notice stating:

(1) That unless the attorney shall comply with the requirements of subdivision (d) of this rule within 30 days after the date of the notice, such failure to comply will be deemed a request for transfer to inactive status, and at the end of such period the name of the attorney will be certified to the Supreme Court, which will immediately enter an order transferring the attorney to inactive status.

STATEMENT OF THE CASE

Your petitioner, Alan J. White (White), was admitted to the practice of law in Pennsylvania on January 3, 1956. After serving in the military, he returned to his native Pennsylvania where he practiced as a trial lawyer until 1961 when he accepted a position with an agency of the United States in the District of Columbia. While he was so employed and living in Maryland, the Supreme Court of Pennsylvania adopted a number of rules collectively called the Pennsylvania Rules of Disciplinary Enforcement (Disciplinary Rules) pursuant to its asserted "inherent and exclusive power to supervise the conduct of attorneys who are its officers", quoting Disciplinary Rule 103.

Disciplinary Rule 219(a) provides,

> Every attorney admitted to practice in any court of this Commonwealth shall pay an annual fee . . . to defray the costs of disciplinary administration and enforcement under these rules. . . .

Immediately following, Disciplinary Rule 219(b) provides,

> Justices and Judges shall be exempt for such time as they serve in office.

Effective September 9, 1990, after nearly thirty years of the practice of administrative law with several agencies of the United States, White accepted an appointment as an administrative law judge pursuant to 5 U.S.C. § 3105, after which he left the District of Columbia area to preside initially in Chattanooga and currently in Atlanta.

In May or June 1991, White received a combined billing statement and questionnaire entitled "Attorney's

Annual Fee For 1991-1992", which he completed and returned without the fee advising that he had been appointed an administrative law judge and that he understood that judges were exempt from payment. In September 1991, he was again asked for the fee by the Assistant Secretary of the Disciplinary Board, at which time he was provided with the following terse statement:

> Pennsylvania and Federal Court Justices and Judges who serve in Courts of record shall be exempt from payment of the annual assessment.
>
> Disciplinary Board Meeting - June 29, 1982.

Shortly thereafter, White paid the fee under protest and requested a ruling that he was exempt. He submitted a copy of Senate Report No. 95-697 pertaining to the legislation that designated his position as that of an "administrative law judge", and he also submitted a copy

of Butz v. Economou, 438 U.S. 478 (1978), in which this Court said that administrative law judges are "functionally comparable" to other judges, which he understood to include Article III judges. Importantly, White directed attention to the portion of the decision that addresses the statutory requirement that the proceedings of administrative law judges be on the record.

In December 1991, after prodding, White was advised by the Assistant Secretary of the Disciplinary Board in somewhat different language,

> At its executive session on June 29, 1982, the Disciplinary Board adopted a policy that Rule 219(b) of the Pennsylvania Rules of Disciplinary Enforcement grants exemption of the Attorney's Annual fee only to Justices and Judges who serve in Pennsylvania Courts of record.

In other words, an "in Pennsylvania" requirement was added to the previously

stated "courts of record" requirement; and White was advised coincidentally to write to Chief Justice Nix for review of that policy.

In a further letter to the Secretary of the Disciplinary Board and to the Court Administrator, White renewed his request for a ruling, stating,

> I do not believe the Assistant Secretary for one moment because a limitation to service in Pennsylvania courts, to the exclusion of service in courts outside Pennsylvania, would be a blatant violation of Article IV, Section 2, of the Constitution, which contains the Privileges and Immunities clause.

No ruling or response was received and, therefore, in February 1992 White wrote to Chief Justice Nix, not for a change of policy, but for a refund under existing policy as set forth in the express language of Rule 219(b).

Chief Jutice Nix had not responded when the "Attorney's Annual Fee For

1992-1993" form was received in July 1992 and, therefore, White decided to take stronger action to obtain a ruling on the Rule 219(b) exemption. He wrote to the Court Administrator advising that he would not complete and return the form and, after obtaining the name and address, he also wrote to Richard D. Gilardi, Chairman of the Disciplinary Board. Chairman Gilardi's response was enlightening, specifically, the Supreme Court of Pennsylvania has consistently approved the Disciplinary Board's position that denies the exemption "to any person who is not a justice or a judge in a court of record in Pennsylvania." (Emphasis White's.) Attempting to obtain a change of position, White wrote to every officer and member of the Disciplinary Board in September 1992 arguing (1) there

nothing in Rule 219(b) or elsewhere in the Disciplinary Rules that limits the application of Rule 219(b) to judges who preside in courts of record or to judges who preside in Pennsylvania, and (2) since judges, like others, ordinarily live reasonably near where they usually work, the effect of limiting the exemption to judges who preside in Pennsylvania violates the Privileges and Immunities clause of the Constitution. (The Disciplinary Board was asked whether the exemption had been extended to federal administrative law judges who preside in Pennsylvania, and, if not, why not -- but no answer was ever received.)

By letter dated December 14, 1992 (App. 11), Chairman Gilardi advised White that the Disciplinary Board had reviewed his request for exemption, stating,

"Your request has been denied." In response to that arbitrary action, White prepared and, on January 29, 1993, mailed for filing to the office of Chief Justice Nix (as required by Disciplinary Rule 104(b)(2)) and served on the other Justices a "Petition for Relief" (App. 3) asking "to be carried on the membership rolls and be treated in the same manner as other judges."

No docket number was received and, on March 24, 1993, Chairman Gilardi wrote to White (App. 15) that the Supreme Court had asked him to advise that the request for exemption had been denied. Such outrageous "action" was interpreted in a certified letter to Chief Justice Nix dated March 30, 1993 (App. 16), as a refusal to docket and act on the "Petition for Relief", and, to add insult to injury, Chief Justice Nix

refused to accept delivery of the letter (App. 18). On April 9, 1993, White sent copies of the March 30th letter by ordinary first class mail to all of the Justices (App. 19), including Chief Justice Nix, asking them in act in a reasonable manner, "if only to avoid explaining to the Supreme Court of the United States (if you can explain) why you didn't docket and act on my pleading now." On May 7, 1993, without making findings or giving reasons, the Supreme Court of Pennsylvania tersely denied his Petition for Relief (App. 1).

The arbitrary denial of the Petition for Relief triggered an equally arbitrary suspension of White from the practice of law (App. 2). As indicated, Disciplinary Rule 219(a) requires every attorney to pay an annual fee, and

Rule 219(b) exempts justices and judges from that requirement. Rule 219(d) states that "all persons required by this rule to pay an annual fee" shall complete and return the "Attorney's Annual Fee For 19xx-19xx" form. And Rule 219(f)(1) states that failure to comply with Rule 219(d) "will be deemed a request for transfer to inactive status", which status precludes that attorney from practicing law.

In January 1993, Chairman Gilardi had informed White (App. 14) that his name would be certified to the Supreme Court on January 14, 1993, for transfer to inactive status. However, that did not occur. The Disciplinary Board waited until the Supreme Court of Pennsylvania denied White's Petition for Relief, after which he was notified formally pursuant to Rule 219(f) that

his name would be certified for transfer to inactive status if he didn't pay the fee and file the form for 1992-1993. His name apparently was certified and, on June 21, 1993, the Supreme Court of Pennsylvania issued an order transferring White to inactive status effective July 21, 1993 (App. 2). Since the Petition for Relief had been denied without findings and expressed rationale, and since the order effecting transfer also was without findings and expressed rationale, the order effecting transfer was arbitrary. In effect, it precludes White from earning a livelihood as an administrative law judge because one must be qualified to practice law in one or more states to become and remain qualified to work as an administrative law judge, and Pennsylvania is his only state of qualification. */

*/ (Footnote on next page)

ARGUMENT

Article VI of the Constitution provides,

> This Constitution . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

In the light thereof, the authority asserted by the Supreme Court of Pennsylvania in Disciplinary Rule 103 is subservient to, and must be exercised consistent with, the superior authority of the Constitution, and in particular

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*/ (Footnote from previous page) For three years, White can resume active status by paying the annual fee and filing the annual form for 1992-1993, but such action would moot his efforts to obtain judicial status under Rule 219(b). Currently and through October 1993, White is engaged in a special project reviewing decisions of other judges. Although he is not holding hearings, he is acting in cases in which hearings were held previously. The change of status effected by the order dated June 21, 1993, is being reported to his employer.

the provision in Amendment XIV that says that no state shall "deprive any person of life, liberty, or property, without due process of law".

Although the "inherent and exclusive power" of the Supreme Court of Pennsylvania "to supervise the conduct of attorneys" asserted in Disciplinary Rule 103 is subservient to the Constitution, the fact that that Court promulgated the Disciplinary Rules and, consequently, has the final word in their administration subject to the superior authority of this Court under the Constitution, is the reason why your petitioner cannot obtain adequate relief in any other forum. The Supreme Court of Pennsylvania arbitrarily denied White's request for transfer to judicial membership status and instead transferred him from active to inactive membership status; consequently, only the Supreme Court of

Pennsylvania, in obedience to a writ of this Court, can and will transfer him from inactive to judicial membership status.

Disciplinary Rule 219(b) is self-operative. It applies to "Justices and Judges", which words are not defined. There are no expressed limitations to "Justices and Judges", and your petitioner's status as a "Judge" has not been challenged, or even questioned. Consequently, your petitioner is entitled to enjoy the exemption provided by Rule 219(b), which is a privilege or immunity within the purview of the Constitution.

The conduct of the Justices of the Supreme Court of Pennsylvania has been less than exemplary. It hardly becomes any judicial officer to issue an order that is arbitrary on its face and violative of the Constitution. Chief

Justice Nix stonewalled your petitioner's request by letter for a ruling and thereby triggered the series of events leading to the two arbitrary orders subscribed by him and the other Justices. Later, the Justices as a collegial body sought to stonewall the "Petition for Relief" by refusing to docket the pleading and purporting to act on it through a letter of the Chairman of the Disciplinary Board. White complained, and Chief Justice Nix unbecomingly refused to accept delivery of his certified letter. And, while the Justices were persuaded to act through the time-honored channel of the Clerk of the Court, the "Petition for Relief" remains undocketed today (App. 21). In the end, the Justices culminated their futile efforts to avoid a formal decision by denying relief without any findings or reasons in either order. Certainly,

the orders are not a product of reasoned decisionmaking. White's transfer to inactive membership status was arbitrary and violative of the due process clause of the Constitution.

Analysis of Disciplinary Rule 219 shows that when Rule 219(b) provides an exemption from payment of the annual fee, it also provides an exemption from filing the annual form, and, importantly, it withdraws the authority of the Administrative Office in Rule 219(f) to transmit the notice that initiates transfer to inactive membership status. Specifically, Rule 219(f) authorizes such notice only when a required fee is not paid and a required form is not filed.

In many ways, the present actions and inactions of the Justices of the Supreme Court of Pennsylvania replay 190 years later the essentials of Marbury v.

Madison, 1 Cranch (5 U.S.) 137, 2 L.Ed. 135, 1 Rose's Notes (S.Ct.) 107 (1803). As in that historic case, an extraordinary remedial writ should be issued.

RELIEF REQUESTED

Whether framed as a mandamus or a prohibition, your petitioner respectfully requests an extraordinary writ that will require the Justices of the Supreme Court of Pennsylvania to transfer his membership status from the "inactive" roll to the "judicial" roll with an effective date of September 9, 1990, the effective date of your petitioner's appointment.

Respectfully submitted,

ALAN J. WHITE, pro se
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(404) 347-2791

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APPENDIX

IN THE SUPREME COURT OF PENNSYLVANIA

IN THE MATTER OF THE JUDICIAL PRIVILEGE OF ALAN J. WHITE	: No. 931 Disciplinary Dkt. No. 2 : Attorney Registration Number 12650

ORDER

PER CURIAM

AND NOW, this 7th day of May, 1993, the Petition for Relief is denied.

Note to the Supreme Court:

Your Petitioner's "Petition for Relief" was not docketed; the above Order is the first and only entry in the docket, copied at App. 21.

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:	:	No. 171
	:	
Persons Transferred to	:	DISCIPLINARY
Inactive Status Pursuant	:	DOCKET NO. 1
to Rule 219 of the Pa.	:	
Rules of Disciplinary	:	
Enforcement	:	

ORDER

AND NOW, this 21st day of June, 1993, it is hereby Ordered that Alan J. White, Attorney Registration No. 12650 is to be transferred to inactive status pursuant to Rule 219 Pa.R.D.E.; and it is further Ordered that said transfer to inactive status shall take effect 30 days after the date of this Order pursuant to Rule 217(c) Pa.R.D.E.

/SCRIBBLE/
Chief Justice

IN THE SUPREME COURT OF PENNSYLVANIA

In the matter of the judicial
privilege of Alan J. White,
Registration Number 12650

PETITION FOR RELIEF

An Overview

This petition is filed pursuant to Disciplinary Rule 104 and Appellate Rule 123. Your petitioner, Alan J. White, was admitted to practice law in Pennsylvania on January 3, 1956, and was appointed an administrative law judge under authority of 5 U.S.C. § 3105 effective September 9, 1990. In 1991, I dutifully completed and returned the "Attorney's Annual Fee for 1991-1992" questionnaire and later paid the annual fees under protest asserting exemption under Disciplinary Rule 219(b). My further request for a ruling in the matter went unanswered and, therefore, in 1992, to obtain action, I refused to

complete and return the "Attorney's Annual Fee for 1992-1993" questionnaire and also refused to pay the annual fees. Finally, by letter dated December 14, 1992 (Attachment 1), the Chairman of the Disciplinary Board informed me without giving any reasons that my request for exemption had been denied. I wrote for further information (Attachment 2) and was informed by letter dated January 5, 1993 (Attachment 3), that my name would be certified for transfer to inactive status on January 14, 1993, and that the Court would not be notified of my objection or given other pertinent information. THE SPANISH INQUISITION PROCEDURES AND STAR CHAMBER SECRETIVENESS OF THE DISCIPLINARY BOARD ARE OUTRAGEOUS!

Relief Requested

Although my status as a judge pre-

cludes me from practicing law, I have to have the right to do so to become and remain qualified to serve as an administrative law judge. "Inactive" status is not satisfactory because I would not have the right to practice law and because, unlike other judges, I would have to go through a reinstatement proceeding if I chose to return to practice after three years. I simply want to be carried on the membership rolls and be treated in the same manner as other judges. If the raison d'etre for the judicial exemption is the inability of judges to practice law, as I assume it is, I certainly qualify.

Furthermore, I request refund of the 1991-1992 fees I paid, with interest. And, in the light of the outrageous action of the Disciplinary Board, I request refund with interest of the

1991-1992 and 1992-1993 fees paid by all other United States administrative law judges.

Argument

Disciplinary Rule 219(b) states in its entirety, "Justices and Judges shall be exempt /from periodic assessment/ for such time as they serve in office." Since there are no words of limitation, the only rational interpretation of the term "Justices and Judges" is that it means all "Justices and Judges". Furthermore, the rule uses the mandatory word "shall" in the phrase "shall be exempt", and thereby leaves no room for carving classes of justices and judges from the exemption. And, if that isn't enough, the rule must be read and interpreted in my favor because the Supreme Court of Pennsylvania promulgated the rule and, consequently, controlled the exact language.

My position is that the rule exempts me because I am a judge. In 1978, Congress bestowed the title "administrative law judge" on the office I hold (see Senate Report No. 95-697 published in 1978 U.S. Code Cong. and Adm. News at 496). And in the same year the United States Supreme Court held in Butz v. Economou, 438 U.S. 478, 513 (1978), that we have absolute immunity, not qualified immunity, from damages liability for our judicial acts because we are "functionally comparable" to judges appointed under authority of Article III of the Constitution, such as United States District Judges and United States Circuit Judges. As is discussed therein, the proceedings before us are required by law to be on the record, and our independence is protected by law. */

*/ (Footnote on next page)

Certain individuals associated with the Disciplinary Board informed me that the exemption is limited to certain judges, specifically, those whose proceedings are on the record, and those who preside in Pennsylvania. But, after I answered that my proceedings are on the record, and that a limitation to judges who preside in Pennsylvania violates the "Privileges and Immunities" clause of the Constitution, those individuals declined through silence to refute my reasons why their asserted limitations weren't applicable to me. In the end, the Disciplincary Board ruled

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*/ (Footnote from previous page)

The Supreme Court referred to us in the alternative by our former title, "hearing examiner", and our present title, "administrative law judge", because our title was changed by regulation in or about 1972 and lawyers thereafter referred to us in pleadings using both titles. Congress, in 1978, enacted the legislation cited above that ended the confusion and confirmed our title as "administrative law judge". Butz v. Economou was briefed and argued during the period when lawyers called us by both titles.

against me without giving any reasons.

If there are any limitations to the generality of "Justices and Judges", I ask the Court to spell them out to me, including the authority for imposing limitations outside the express language used. And I ask the Court to give me an opportunity for discovery and a further opportunity to respond after discovery. At this point, I will not anticipate limitations to the generality of "Justices and Judges" because I have been given no reasons for the Disciplinary Board's rejection of my request for exemption. Consequently, the Disciplinary Board's action is arbitrary and not a product of reasoned decisionmaking.

Additionally, I was informed in Attachment 3 that my name would be certified on January 14, 1993; but, at this writing, two weeks later, I have

not been informed officially that it has been done. I was informed that my recourse "is to appeal to the /C/ourt within the applicable time." However, I have nothing to "appeal" because I haven't received any official notice (I wouldn't have known of the January 14th date if I hadn't asked), and there is not "applicable time" because there is nothing in the Disciplinary Rules, or elsewhere to my knowledge, that spells out a time frame for certification of my name or a procedure for opposing such certification. Hence, I am asserting in this Petition for Relief my civil right protected by the Constitution and made actionable by federal law to enjoy the same privileges as are enjoyed by other judges who are admitted to practice law in Pennsylvania.

Respectfully submitted,
ALAN J. WHITE, pro se

ATTACHMENT 1 TO "PETITION FOR RELIEF"

DISCIPLINARY BOARD LETTERHEAD
December 14, 1992

Dear Judge White:

The Disciplinary Board has carefully reviewed your request to exempt you from payment of the annual assessment. Your request has been denied.

Sincerely,
RICHARD D. GILARDI
Chairman

ATTACHMENT 2 TO "PETITION FOR RELIEF"

JUDGE ALAN J. WHITE LETTERHEAD
December 21, 1992

Dear Chairman Gilardi:

I request a copy of the minutes of the meeting of the Disciplinary Board at which it was decided that I do not qualify under Disciplinary Rule 219(b) for exemption from payment of the annual fee, including identification of the members who were present and how each one voted. If the decision was not made at a meeting, I request copies of the documentation showing who participated in the decision and how each one voted.

Furthermore, I wish to be informed as to (1)exactly when my name will be certified to the Supreme Court for transfer to inactive status, (2) whether the Supreme Court will be informed of my objection to such a transfer, and (3) whether the Supreme Court will be given

copies of my letters of September 30 and October 6 and 26, 1992, as I have requested.

Sincerely,
ALAN J. WHITE

ATTACHMENT 3 TO "PETITION FOR REVIEW"

GILARDI & COOPER, P.A. LETTERHEAD
January 5, 1993

Dear Judge White:

I am writing in answer to your letter of December 21, 1992, which was received in this office on December 28, 1992.

The Board decided your case at a regularly scheduled meeting. The Board minutes are confidential.

Your name will be certified to the Supreme Court for transfer to inactive status on January 14, 1993. The Supreme Court will not be informed of your objection to the transfer. The Supreme Court will not be given copies of your letters. Your recourse is to appeal to the court within the applicable time.

Sincerely,
GILARDI & COOPER
RICHARD D. GILARDI

GILARDI & COOPER, P.A. LETTERHEAD
March 24, 1993

Dear Judge White:

The Supreme Court has asked me to advise you that your request for exemption from paying the attorney's annual fee has been denied.

Sincerely,
RICHARD D. GILARDI
Chairman
The Disciplinary
Board of the Supreme
Court of Pennsylvania

JUDGE ALAN J. WHITE LETTERHEAD
March 30, 1993

Dear Justice Nix:

Chairman Gilardi's letter dated March 24, 1993 (copy enclosed), is not an action of the Supreme Court of Pennsylvania on my Petition For Relief. As you well know, the Constitution protects my civil right to a reasoned decision signed by one or more justices of the Court. Consequently, Chairman Gilardi's letter indicates to me that the Court has refused to docket my Petition For Relief (I have not been informed of a docket number) and is also refusing to act on my Petition For Relief.

I regret that the members of the highest tribunal of the Commonwealth of Pennsylvania have chosen to forsake the command of the "law of the land" they have sworn to uphold. Their collective refusal to docket and act on my Petition

For Relief confronts me with a choice of abandoning my request "to be carried on the membership rolls and be treated in the same manner as other judges," or moving to the next judicial level. I will not submit to arbitrariness and, therefore, will begin forthwith to prepare a Petition For A Writ Of Mandamus.

Sincerely,
ALAN J. WHITE

Judge Alan J. White
260 Club Ridge Drive
Marietta, GA 30068-4801

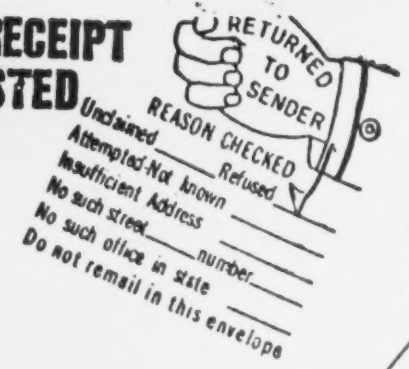
Fold at line over top of envelope to the right of the return address

CERTIFIED

P 258 785 411

MAIL

RETURN RECEIPT REQUESTED



RE Fuad B704

Honorable Robert N.C. Nix
Chief Justice, Supreme Court of Pennsylvania
Suite 500 Widener Building
1 South Penn Square
Philadelphia, PA 19107

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

App. 18

JUDGE ALAN J. WHITE LETTERHEAD
April 9, 1993

To the Justices of the
Supreme Court of Pennsylvania:

The Supreme Court's response to my Petition For Relief in the form of Chairman Gilardi's letter of March 24, 1993 (copy enclosed), clearly snubbed the entire federal administrative judiciary. And Chief Justice Nix's documented refusal (copy enclosed) to accept delivery of my letter of March 30, 1993 (copy enclosed), reaffirmed that contemptuous response of the Court. Those deliberate slights persuade me that the Supreme Court of Pennsylvania is continuing to refuse to docket and act on my Petition For Relief.

Like former President Nixon, you are not above the law. The Constitution protects my civil right to a reasoned decision of the Supreme Court of

Pennsylvania. Absent a reasoned decision, I will not pay any fees, or complete and return an "Attorney's Annual Fee For 1992-1993" form, or take any action under Disciplinary Rule 217; and I will continue to prepare a Petition For A Write of Mandamus to be filed in the Supreme Court of the United States naming each of you as a respondent pursuant to Rule 20.3 of that Court.

It is not too late. I beseech each of you to act promptly and in a responsible manner, consistent with your high office. Use common sense! Docket and act on my Petition For Relief now, if only to avoid explaining to the Supreme Court of the United States (if you can explain) why you didn't docket and act on my pleading now.

Sincerely,
ALAN J. WHITE

931 DISCIPLINARY DOCKET NO. 2

IN THE MATTER OF THE JUDICIAL PRIVILEGE OF ALAN J. WHITE	: : : : :	Attorney Registration No. 12650

ORDER

PER CURIAM:

AND NOW, this 7th day of May, 1993, the Petition for Relief is denied.

May 7, 1993. Certified copies of the above Order exit to: Alan J. White, Esquire Petitioner, **by Certified Mail No. P753 608 098**RETURN RECEIPT REQUESTED and by First Class Mail to: Elaine M. Bixler, Secretary to the Board.